

REMARKS

The Office Action dated July 26, 2005 presents the examination of claims 1-20. Claims 4, 5, 10, 11, 16, 17, and 20 are amended into independent form. No new matter is inserted into the claims.

Claim Objections

The Examiner objects to claims 4, 5, 10, 11, 16, 17, and 20 as being dependent upon a rejected claim. They have been rewritten into independent form and should now be allowable.

Rejections under 35 U.S.C. § 102(b) of Claims 1-3, 6-9, 12-15, 18, and 19 based on Gardner et al.

The Examiner rejects claims 1-3, 6-9, 12-15, 18, and 19 under 35 U.S.C. § 102(b) for allegedly being anticipated by Gardner et al. Applicant respectfully traverses the rejection applied to the pending claims. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

According to MPEP 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (citing *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). As will be discussed below, Applicant respectfully submits that Gardner et al. do not expressly nor inherently describe each and every element of claims 1-3, 6-9, 12-15, 18, and 19.

The Examiner cites Figure 6 of Gardner et al. to show its structure as it corresponds to the present invention as described in claim 1. The Examiner states that Gardner et al. disclose the claimed housing, the pivot arm frame, the pivot arm pivot point, the sear, the sear pivot point, and the spring mechanism. However, Applicant respectfully submits that claim 1 also contains the undisclosed element that the "pivot arm frame may selectively pivot about a pivot point in a substantially arcuate path between a forward position and a rearward position relative to the front and rear of the

pistol" and the sear also selectively pivots "about a pivot point in a substantially arcuate path between a first position and a second position." Gardner et al. fail to disclose or teach the path that the pivot arm frame or the sear pivots about. Rather, Gardner et al. discuss an entirely forward movement by the sear until it engages the striker leg and is cammed down slightly (see col. 3, lines 17-19). Applicant respectfully submits that this movement is not a substantially arcuate path as disclosed in claim 1, and similarly disclosed in the other rejected claims, of the present application. Therefore, the pending claims are not anticipated by the reference cited by the Examiner.

Moreover, Gardner et al. fail to disclose or teach that the first surface of the sear is at a first angle relative to a longitudinal axis of the sear and the second surface of the sear is at a second angle relative to a longitudinal axis of the sear, said first angle being greater than said second angle. These angles create a sear with superior function and are not present in the invention of Gardner et al. For this reason, claims 3, 8, 9, 12, 13, 15, 18, and 19 are not anticipated by Gardner et al.

In addition, Gardner et al. fail to disclose or teach a housing which includes a stop or a pivot arm frame which includes a stop. The stops at these locations are advantageous to limit the arcuate pivoting movement of the sear. These stops are not present in the invention of Gardner et al., perhaps due to the difference in the sear movement. For this reason, claims 6, 7, 12, and 13 are not anticipated by Gardner et al.

Furthermore, claim 8 of the present invention claims "a pivot arm assembly located within said housing which may be removed from said housing." Gardner et al. fail to disclose or teach a removable pivot arm assembly. A removable pivot arm assembly has advantages not present in the invention of Gardner et al. Therefore, claim 8 is not anticipated by Gardner et al., and claims 9, 12, and 13, which depend from it, should also be allowed.

In summary, Gardner et al. fail to anticipate the present invention under 35 U.S.C. § 102(b). Withdrawal of the instant rejection is therefore respectfully requested.


Conclusion

As Applicant has traversed each and every rejection raised by the Examiner, it is hereby respectfully requested that Examiner withdraw the rejections of claims 1-3, 6-9, 12-15, 18, and 19 and pass claims 1-20 to issue.

If necessary, the Commissioner is hereby authorized in this reply to charge payment or credit any overpayment to Deposit Account No. 13-0235 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Do not hesitate to call Applicants' attorneys at the number below if they may help expedite the prosecution of this application in any way.

Respectfully submitted,

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